

HOUSE BILL No. 1083

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-1; IC 3-11-2-12.

Synopsis: Ballot order in municipal elections. Requires that the municipal offices of an excluded city or a town located in a county containing a consolidated city be located on the ballot above or before the candidates for mayor of the consolidated city. Makes technical changes.

Effective: July 1, 2009.

Barnes

January 7, 2009, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1083

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be
4 printed in substantially the ~~following~~ form **described in this section**
5 for all the offices for which candidates have qualified under IC 3-8.

6 **(b) The following shall be printed at the top or beginning of the**
7 **primary election ballot in substantially the following form:**

8 "OFFICIAL PRIMARY BALLOT
9 _____ Party"

10 **(c) After the printed information required by subsection (b), the**
11 **following shall be printed, whichever is applicable to the voting**
12 **system in use:**

13 (1) For paper ballots, print: "To vote for a person, make a voting
14 mark (X or ✓) on or in the box before the person's name in the
15 proper column."

16 (2) For optical scan ballots, print: "To vote for a person, darken or
17 shade in the circle, oval, or square (or draw a line to connect the

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arrow) that precedes the person's name in the proper column."

(3) For optical scan ballots that do not contain a candidate's name, print: "To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column."

(4) For electronic voting systems, print: "To vote for a person, touch the screen (or press the button) in the location indicated."

(d) The names of candidates for each office shall be printed substantially as shown in the following example:

"Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____".

~~(b)~~ (e) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

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- 1 (E) County coroner.
 2 (F) County surveyor.
 3 (G) County assessor.
 4 (H) County commissioner.
 5 (I) County council member.
 6 (5) Township offices:
 7 (A) Township assessor (only in a township referred to in
 8 IC 36-6-5-1(d)).
 9 (B) Township trustee.
 10 (C) Township board member.
 11 (D) Judge of the small claims court.
 12 (E) Constable of the small claims court.
 13 (6) City offices:
 14 (A) Mayor.
 15 (B) Clerk or clerk-treasurer.
 16 (C) Judge of the city court.
 17 (D) City-county council member or common council member.
 18 **In a county having a consolidated city, the municipal offices**
 19 **for an excluded city or town shall be placed on the ballot**
 20 **above or before the office of the mayor of the consolidated**
 21 **city.**
 22 (7) Town offices:
 23 (A) Clerk-treasurer.
 24 (B) Judge of the town court.
 25 (C) Town council member.
 26 ~~(e)~~ **(f)** The political party offices with candidates for election shall
 27 be placed on the primary election ballot in the following order after the
 28 offices described in subsection ~~(b)~~: **(e)**:
 29 (1) Precinct committeeman.
 30 (2) State convention delegate.
 31 ~~(d)~~ **(g)** The following offices and public questions shall be placed on
 32 the primary election ballot in the following order after the offices
 33 described in subsection ~~(e)~~: **(f)**:
 34 (1) School board offices to be elected at the primary election.
 35 (2) Other local offices to be elected at the primary election.
 36 (3) Local public questions.
 37 ~~(e)~~ **(h)** The offices and public questions described in subsection ~~(d)~~
 38 **(g)** shall be placed:
 39 (1) in a separate column on the ballot if voting is by paper ballot;
 40 (2) after the offices described in subsection ~~(e)~~ **(f)** in the form
 41 specified in IC 3-11-13-11 if voting is by ballot card; or
 42 (3) either:

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(A) on a separate screen for each office or public question; or
 (B) after the offices described in subsection ~~(c)~~ (f) in the form
 specified in IC 3-11-14-3.5;
 if voting is by an electronic voting system.
~~(f)~~ (i) A public question shall be placed on the primary election
 ballot in the following form:

(The explanatory text for the public question,
 if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 2. IC 3-10-1-19.5 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19.5. Notwithstanding
 section 19 of this chapter, the county election board may alter the
 prescribed ballot order to place the names of the candidates for the
 following offices before the names of the candidates for county judicial
 offices:

(1) Prosecuting attorney.

(2) Clerk of the circuit court.

(3) The county offices listed in section ~~19(4)~~ 19(e)(4) of this
 chapter.

SECTION 3. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2009]: Sec. 12. The following offices shall be placed on the
 general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified
 under IC 33, with each division separate if there is more than
 one (1) judge of the circuit court.

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- 1 (B) Judge of the superior court, and unless otherwise specified
- 2 under IC 33, with each division separate if there is more than
- 3 one (1) judge of the superior court.
- 4 (C) Judge of the probate court.
- 5 (D) Judge of the county court, with each division separate, as
- 6 required by IC 33-30-3-3.
- 7 (E) Prosecuting attorney.
- 8 (F) Clerk of the circuit court.
- 9 (4) County offices:
- 10 (A) County auditor.
- 11 (B) County recorder.
- 12 (C) County treasurer.
- 13 (D) County sheriff.
- 14 (E) County coroner.
- 15 (F) County surveyor.
- 16 (G) County assessor.
- 17 (H) County commissioner.
- 18 (I) County council member.
- 19 (5) Township offices:
- 20 (A) Township assessor (only in a township referred to in
- 21 IC 36-6-5-1(d)).
- 22 (B) Township trustee.
- 23 (C) Township board member.
- 24 (D) Judge of the small claims court.
- 25 (E) Constable of the small claims court.
- 26 (6) City offices:
- 27 (A) Mayor.
- 28 (B) Clerk or clerk-treasurer.
- 29 (C) Judge of the city court.
- 30 (D) City-county council member or common council member.
- 31 **In a county having a consolidated city, the municipal offices**
- 32 **for an excluded city or town shall be placed on the ballot**
- 33 **above or before the office of the mayor of the consolidated**
- 34 **city.**
- 35 (7) Town offices:
- 36 (A) Clerk-treasurer.
- 37 (B) Judge of the town court.
- 38 (C) Town council member.

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